

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

August 24, 1999

IN RE:)	
)	
PETITION OF WINSTAR WIRELESS, INC.)	DOCKET NO. 99-00285
FOR APPROVAL OF AN INTRALATA TOLL)	
DIALING PARITY PLAN)	

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of WinStar Wireless, Inc. ("WinStar") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

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requirements.

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

WinStar is a telecommunications company certified under Tenn. Code Ann. § 65-4-201 as a competitive local exchange carrier to provide telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, WinStar is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

Tennessee where service is provided.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

WinStar Wireless, Inc. filed an intraLATA toll dialing parity plan on April 22, 1999 with a final amendment on June 24, 1999. The amended Plan, attached hereto as Exhibit A, is fully incorporated herein by this reference. WinStar plans to commence offering local exchange service in Tennessee sometime in the latter half of 1999.

The Directors considered this plan at the July 13, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides a method that enables customers to select alternate providers of telephone toll service and a method which allows customers to choose different carriers for interLATA and intraLATA service. WinStar is not proposing to recover any incremental costs associated with the implementation of intraLATA toll dialing parity. The Directors unanimously voted to approve the WinStar's intraLATA toll dialing parity plan, as amended, with the requirement that WinStar comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

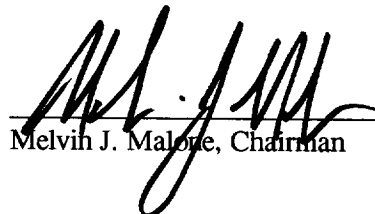
⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

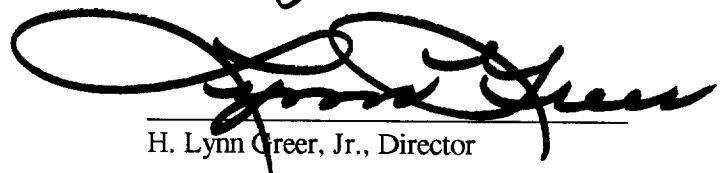
⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

IT IS THEREFORE ORDERED THAT:


1. The amended Plan of WinStar Communications of TN Inc. for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and incorporated in this Order as if fully rewritten herein;
2. WinStar Wireless Inc. shall file tariffs reflecting their proposed PIC change charge;
3. WinStar Wireless Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and
4. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary

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June 24, 1999

VIA OVERNIGHT DELIVERY

K. David Waddell, Executive Secretary
 Tennessee Regulatory Authority
 460 James Robertson Parkway
 Nashville, TN 37243

Re: **IntraLATA Toll Dialing Parity Plan**

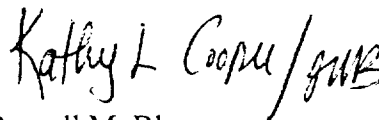
99-00285

Dear Mr. Waddell:

On behalf of WinStar Wireless, Inc. ("WinStar"), enclosed for filing is an original and thirteen (13) copies of WinStar's revised IntraLATA Presubscription Implementation Plan ("Plan") and Bill Insert. These revisions are made at the request of Carsie Mundy of the Tennessee Regulatory Authority.

Please date-stamp the extra copy of this filing and return it to us in the self-addressed, prepaid envelope enclosed herein. Should you have any questions on this matter, please do not hesitate to contact John Beahn at (202) 945-6947.

Sincerely,



Russell M. Blau
 Kathy Cooper
 Counsel for WinStar Wireless, Inc.

Enclosures

cc: Carsie Mundy

**BEFORE THE
REGULATORY AUTHORITY OF THE
STATE OF TENNESSEE**

**WinStar Wireless, Inc.
Toll Dialing Parity Plan**

INTRODUCTION

WinStar Wireless, Inc. ("WinStar") will initiate the process that will give end user customers the opportunity to designate a carrier for their intraLATA toll call traffic in those market areas where WinStar is a facility based local exchange service provider. IntraLATA toll calls will automatically be directed to the designated carrier without the customer having to dial an access code.

GENERAL INFORMATION

WinStar will deploy two PIC (Primary Interexchange Carrier) technology in its switches. This technology will enable the customer to presubscribe to the same or a different carrier for their intraLATA and/or interLATA service. WinStar will offer customers the ability to access all participating carriers by dialing the appropriate access code (10XXX/101XXXX). WinStar will revise and file all appropriate tariffs in accordance with this Plan.

WinStar intends to implement its intraLATA toll dialing parity plan commensurate with the offering of service in Tennessee, which WinStar estimates will be the 3rd quarter of 1999.

WinStar will implement equal access in all of the exchanges contained in the following Tennessee LATAs, including LATAs 468, 470, 472, 474 and 956.

All eligible WinStar end user telephone line numbers will be presubscribed and must have a PIC associated with them.

CARRIER INFORMATION

Carriers will have the option of offering intraLATA service only or intraLATA and interLATA service. WinStar will notify potential carriers sixty days prior to the initial availability of presubscription in specific market areas. Carriers will have the option of participating in all market areas or in a specific market area.

Carriers will be required to return a completed Non-Disclosure Agreement and Participation Agreement(s). These documents will be provided to carriers as part of the WinStar carrier correspondence process.

WinStar will not participate in billing disputes for intraLATA service between alternative competing carriers and their customers.

Carriers wishing to participate will be requested to submit Access Service Requests/ Translation Questionnaires to the Access Tandem owner and to WinStar.

NETWORK INFORMATION

All originating intraLATA traffic will initially be routed via the incumbent Local Exchange Carrier (LEC) Access Tandem(s). Following conversion, direct trunks between the WinStar switch and the carrier location(s) may be provisioned where traffic volumes warrant.

Carriers must have Feature Group D trunks in place between their point of presence and the incumbent LEC Access Tandem(s).

WinStar will route all originating intraLATA traffic to the designated carrier and will only block traffic at the request of the end user customer and/or in compliance with regulatory regulations. Requests from carriers to block traffic or to remove customers from their network will not be honored. Calls that cannot be completed to a carrier will be routed to an announcement.

In the event that WinStar offers operator service and/or directory assistance, it will offer such services in a nondiscriminatory manner. WinStar will provide access to telephone numbers and directory listings upon demand and in a nondiscriminatory manner.

CUSTOMER CONTACT INFORMATION

WinStar customer contact representatives will process customer initiated PIC selections to WinStar or to an alternative intraLATA carrier as designated by the customer. Carriers will have the option of allowing the WinStar representative to process PIC requests on their behalf.

Alternative carriers may submit PIC changes to WinStar via a fax/paper interface. Details regarding this process will be provided as part of WinStar's carrier correspondence.

WinStar will accept as a bona fide PIC a selection of "NO PIC" as a choice. "NO PIC" customers will have access code dialing capability to reach participating intraLATA carriers.

Existing customers will be notified of their ability to choose their IntraLATA carrier via a bill insert. This insert will be sent to existing customers prior to WinStar's implementation date of equal access. If the existing customers do not make an affirmative choice as to their IntraLATA carrier, WinStar will inform the customer that the existing customer will remain with their current IntraLATA toll carrier. If a new customer fails to affirmatively identify a IntraLATA toll carrier, WinStar will inform the customer that the customer will be assigned a "NO PIC" selection as their choice and will be informed that they have access code capability for reaching participating IntraLATA toll carriers.

WinStar will provide customers with a confirmation notification of their PIC (WinStar or an alternative carrier) selection.

WinStar representatives will provide alternative carrier(s) names and contact telephone number (if provided by carrier) to customers in random order upon customer request. WinStar representatives will not discuss alternative carrier rates or services and will not provide customers with Carrier Identification Codes or access code dialing instructions.

WinStar representatives will not initiate or accept three way calls from alternative carriers to discuss presubscription.

PRESUBSCRIPTION INFORMATION

WinStar does not plan to recover costs associated with introducing dialing parity. At this time, WinStar is not operating in Tennessee, however, WinStar is currently installing a network in Tennessee that will support dialing parity from the outset. Thus, WinStar will not have to recoup any costs related to the implementation of dialing parity in Tennessee.

WinStar will offer its customers a 120 day grace period following implementation of this plan during which customers may change intraLATA carries without incurring a PIC change charge. Customers can make no more than two free PIC changes during these 120 days at no charge.

In an effort to reduce unauthorized PIC changes, WinStar will offer intraLATA PIC Freeze service to all customers at no charge. PIC Freeze can only be initiated (or removed) by the customer requesting it through their WinStar representative. WinStar will not offer this PIC freeze service for the first 180 days after implementation of dialing parity in accordance with the Tennessee rules and regulations. WinStar also will comply with all Tennessee rules and regulations regarding the unauthorized PIC changes.

Carriers will be required to submit PIC changes using the Customer Account Record Exchange (CARE) 960 byte format via paper medium. WinStar will provide carriers with PIC order confirmation and reject information using the CARE format. Specific details regarding CARE will be provided to participating carriers.

For customers who change their local service provider from the incumbent LEC to WinStar and retain their incumbent LEC telephone number(s), WinStar, as part of the CARE PIC process, will provide the selected intraLATA carrier with both the retained (incumbent LEC) telephone number and the WinStar telephone number.

WinStar will comply will all of the rules and regulations regarding IntraLATA presubscription established by the Federal Communications Commission and the Tennessee Regulatory Authority.